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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,657	12/19/2000	Andrew T. Yule	PHB 34,435	7071
24737	7590	03/16/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			MILLER, BRANDON J	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2683	10

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/741,657	YULE, ANDREW T.
	Examiner Brandon J Miller	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 1/8/2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>15</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                 |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>14</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### *Response to Amendment*

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin in view of Mimura.

Regarding claim 1 Irvin teaches a mobile unit for use with a radio transmission system having a plurality of base stations adapted for two-way radio communication and situated at respective geographical locations to define a corresponding plurality of service areas constituting one or more regions (see col. 2, lines 32-47). Irvin teaches control means for controlling the mobile unit (see col. 3, lines 10-12 & 54-60). Irvin teaches means for entering into the control means a single predetermined service area in which a user of the unit is notified upon entry (see col. 1, lines 52-59 and col. 4, lines 7-10). Irvin teaches recognizing entry of the mobile unit into the single predetermined service area from an adjacent service area, and means for notifying the user of entry into the single predetermined service area (see col. 1, lines 52-59 and col. 4, lines 7-8 & 19-25). Irvin does not specifically teach a plurality of overlapping service areas. Mimura teaches a cellular transmission system having a plurality of base stations situated at respective geographical locations to define a corresponding plurality of overlapping service areas constituting one or more regions. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to make the invention adapt to include a plurality of overlapping service areas because this would allow for a mobile terminal to obtain detailed local user information that is closely associated with an area it is located.

Regarding claim 2 Irvin teaches a transmitter and adapted to communicate by two-way radio with a base station (see col. 2, lines 40-43 and col. 3, lines 5-9).

Regarding claim 4 Irvin teaches a user that is notified by an audible, visible, or mechanical alarm (see col. 1, lines 58-61).

Regarding claim 5 Irvin teaches user operated means to enter information identifying a user selected service area as the predetermined service area (see col. 4, lines 34-38).

Regarding claim 6 Irvin teaches enabling a user to define a current service area as a predetermined service area (see col. 1, lines 48-51).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin in view of Mimura and Kazuya

Regarding claim 3 Irvin and Mimura teach a device as recited in claim 1 or claim 2 except for a predetermined service area that is identified by the identification code of the corresponding base station. Kazuya teaches a predetermined service area that is identified by an identification code of a corresponding base station (see col. 3, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a predetermined service area that is identified by the identification code of the corresponding base station because this would allow for efficient notification of arrival into a predetermined location.

*Response to Arguments*

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Minagawa U.S Patent No. 6,510,318 discloses a method for location registration of mobile stations in a mobile communications system.

Dunko U.S Patent No. 6,553,236 discloses on demand location function for mobile terminal.

Valentine et al. U.S Patent No. 6,011,973 discloses a method and apparatus for restricting operation of cellular telephones to well delineated geographical area.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J Miller whose telephone number is 703-305-4222. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 10, 2004



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
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